



221 Main Street, Suite 920
San Francisco, CA 94105
415 986 7879 415 986 7865 fax
www.nicelydun.com

Office of the Secretary
ATT: OCBO
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: Request for comment regarding possible revision or elimination of rules under the Regulatory Flexibility Act DA-05-1524

This morning I received an automated telephone call from my physician's office reminding me of my baby wellness appointment next week at 10:00 Am. My medical provider, Kaiser, has implemented a system to help its patients remember their appointments. Little do they know – they have broken the law. I gave Kaiser my cell phone number as my contact number. According to DA-05-1524, it is unlawful from them to call me with an automated recording on my cell phone. Last month, Sears also violated the law by using an automated messaging service to remind me about my refrigerator being delivered.

My name is Christina Harbridge-Law, and I am the president and princess of Bridgeport Financial, Inc. located in California. I am the owner of a small business that uses an automated dialing machine to contact consumers in regard to past due debts or information issues. This dialer enables us to contact folks more readily and saves our staff from the labor of dialing 11 numbers for each call. We are helping consumers and saving folks from carpal tunnel by using this machine. Sadly, we are unable to contact consumers who use cell phones as their primary contact due to the rules under DA-05-1524. This is harming not just my business; it is harming the consumer and the employee.

I am aware that ACA International ("ACA") has filed a written comment with the Commission regarding this issue in response to the Commission's request for comments on the possible revision or elimination of rules under the Regulatory Flexibility Act, 5 U.S.C. § 610 ("RFA"), in proceeding DA-05-1524. See FCC Seeks Comment Regarding Possible Revision or Elimination of Rules Under the Regulatory Flexibility Act, DA-05-1524 (May 31, 2005). I fully support ACA's comment and the relief the Association seeks, including ACA's characterization of the harm visited upon small businesses, the consumers and telephone employees as a result of the Commission's rule.

To the extent that my company uses predictive dialers, we do so to complete transactions for which consumers have an existing relationship that needs to be discussed. We do not telemarket.

It is not just about debt collectors here... it is about the 21st century and the prominent use of the cell phone as a means to communicate. A decade ago, folks were charged for every call they received – since that is not the case today – this ruling needs to catch up with technology.

As it stands today, my company faces serious financial hardship due to the Commission's regulatory reversal that creditors and debt collectors cannot use predictive dialers to call a wireless number to attempt to recover outstanding payment obligations. The Commission's rule requires small companies, at great cost, to fundamentally alter our business models to reduce or remove our reliance on predictive dialers. It also needlessly subjects us to federal enforcement and private litigation risk, even though Congress never intended such an outcome.

For these reasons, I encourage the Commission to promptly clarify that autodialer calls to wireless numbers to attempt to recover payment obligations are not covered by the TCPA regulations for the reasons expressed by ACA.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christina Harbridge-Law", is written over the printed name.

Christina Harbridge-Law
President and Princess
Bridgeport Financial, Inc.
415 216 4664 christina@nicelydun.com